

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2012

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

**SIXTH DAY
JANUARY 27, 2012**

OFFICE OF THE CHIEF CLERK

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SIXTH DAY

Friday, January 27, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:04 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Vice Speaker Joey Manahan, after which the Roll was called showing all Members present with the exception of Representatives Awana and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 186 through 193) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 186, dated January 24, 2012, transmitting the 2010-2011 Annual Report of the Hawaii Community Development Authority, pursuant to Section 206E-19, HRS.

Gov. Msg. No. 187, dated January 16, 2012, transmitting the report, Reorganization and Reduction in Force Actions within the Department of Business, Economic Development and Tourism, pursuant to Act 164, Section 122, SLH 2011.

Gov. Msg. No. 188, dated January 13, 2012, transmitting the Relating to Early Learning Report, prepared by the Department of Education pursuant to Act 14, SLH 2008, First Special Session.

Gov. Msg. No. 189, dated January 26, 2012, requesting immediate consideration and passage of House Bill No. 2437, Relating to Elections, which appropriates general funds to fund the voting system contract for the conducting of the 2012 elections.

Gov. Msg. No. 190, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2438, Making Emergency Appropriations for Claims Against the State, Its Officers, or Its Employees.

Gov. Msg. No. 191, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2509, Making an Emergency Appropriation for Reimbursement of Costs Related to the Asia-Pacific Economic Cooperation Meetings, which provides reimbursement of funds for costs incurred for planning, safety, and security necessary for the Asia-Pacific Economic Cooperation meetings held in November 2011.

Gov. Msg. No. 192, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2546, Making an Emergency Appropriation to the Department of Human Services for Health Care Payments, which appropriates general funds to address the budget shortfall in the Health Care Payments program (HMS 401).

Gov. Msg. No. 193, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2547, Making an Emergency Appropriation to the Department of Human Services, which appropriates funds to address the budget shortfall for General Support for Health Care Payments (HMS 092).

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 64 and 65) were received by the Clerk and were placed on file:

Dept. Com. No. 64, dated January 18, 2012, from Stuart T.K. Ho, Chairman, Long Term Care Commission, transmitting the report

concerning the state of long-term care in Hawaii and the Commission's findings and recommendations for reform.

Dept. Com. No. 65, dated January 13, 2012, from Kalbert K. Young, Director of Finance, Department of Budget and Finance, transmitting the FYs 09-15 Non-General Find Information report, pursuant to Section 37-47, HRS.

INTRODUCTIONS

The following introduction was made to the Members of the House:

REMARKS DELIVERED: Rep. Hashem

ORDER OF THE DAY

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-12 and H.B. No. 608, HD 3, SD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 4-12) recommending that H.B. No. 1691, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1691, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Economic Revitalization & Business, with Representative Ching being excused.

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 5-12) recommending that H.B. No. 2002, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2002, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed Second Reading and was placed on the calendar for Third Reading.

REPORTS OF CONFERENCE COMMITTEES

Representatives Yamane, Nishimoto and Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 239, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 2-12) recommending that S.B. No. 239, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-12 and S.B. No. 239, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was deferred for a period of 48 hours.

Representatives Nishimoto and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate, to the amendments proposed by the House in S.B. No. 809, SD 1, HD 1, presented a report

(Conf. Com. Rep. No. 3-12) recommending that S.B. No. 809, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-12 and S.B. No. 809, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 17) and concurrent resolutions (H.C.R. Nos. 33 and 34) were referred to Printing and further action was deferred:

H.R. No. 17, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE THE IMPACT OF ALL-TERRAIN VEHICLE ACCIDENTS ON CHILDREN," was jointly offered by Representatives Ichiyama and Souki.

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE THE IMPACT OF ALL-TERRAIN VEHICLE ACCIDENTS ON CHILDREN," was jointly offered by Representatives Ichiyama and Souki.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A TEMPORARY TASK FORCE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS AND COVERAGE," was jointly offered by Representatives Tokioka, Aquino, Chang, Choy, Cullen, Har, Hashem, Ichiyama, Ito, Kawakami, Nishimoto, Oshiro, Yamane and Yamashita.

ANNOUNCEMENTS

REMARKS DELIVERED: Rep. Ward
Rep. Luke
Rep. Ching
Rep. Brower
Rep. Har
Rep. McKelvey

TO BE INSERTED: Rep. Ward
(Submit by Wednesday, February 1)

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Star Medeiros of Lahaina.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Referred to:</u>	
2724	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance	2729 Committee on Education, then to the Committee on Finance
2725	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2730 Committee on Transportation, then to the Committee on Consumer Protection & Commerce
2726	Committee on Health, then to the Committee on Finance	2731 Committee on Finance
2727	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	2732 Committee on Health, then to the Committee on Finance
2728	Committee on Education, then to the Committee on Finance	2733 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
		2734 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
		2735 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
		2736 Committee on Housing, then to the Committee on Judiciary
		2737 Committee on Judiciary, then to the Committee on Finance
		2738 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
		2739 Committee on Human Services, then to the Committee on Finance
		2740 Committee on Energy & Environmental Protection, then to the Committee on Finance
		2741 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
		2742 Committee on Judiciary
		2743 Committee on Labor & Public Employment, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
		2744 Committee on Finance
		2745 Committee on Finance
		2746 Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
		2747 Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
		2748 Committee on Consumer Protection & Commerce, then to the Committee on Finance
		2749 Committee on Health, then to the Committee on Judiciary
		2750 Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
		2751 Committee on Legislative Management, then to the Committee on Judiciary

2752	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	2776	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary
2753	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	2777	Committee on Finance
2754	Committee on Culture & the Arts, then to the Committee on Finance	2778	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2755	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2779	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2756	Committee on Transportation, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance	2780	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2757	Committee on Finance	2781	Committee on Finance
2758	Committee on Energy & Environmental Protection, then to the Committee on Finance	2782	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2759	Committee on Health, then to the Committee on Consumer Protection & Commerce	2783	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce
2760	Committee on Transportation, then to the Committee on Judiciary	2784	Committee on Health, then to the Committee on Finance
2761	Committee on Judiciary	2785	Committee on Finance
2762	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	2786	Committee on Finance
2763	Committee on Judiciary	2787	Committee on Finance
2764	Committee on Energy & Environmental Protection, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2788	Jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
2765	Committee on Transportation, then to the Committee on Finance	2789	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
2766	Committee on Labor & Public Employment, then to the Committee on Finance	2790	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
2767	Committee on Economic Revitalization & Business, then to the Committee on Finance	2791	Committee on Finance
2768	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2792	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2769	Committee on Public Safety & Military Affairs	2793	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2770	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	2794	Committee on Finance
2771	Committee on Judiciary	2795	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Judiciary
2772	Committee on Finance	2796	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2773	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2797	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
2774	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2798	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2775	Committee on Human Services, then to the Committee on Finance	2799	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce

2800	Committee on Transportation, then to the Committee on Finance	2821	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
2801	Committee on Finance		
2802	Committee on Economic Revitalization & Business, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance	2822	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2803	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2823	Committee on Finance
2804	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2824	Committee on Agriculture, then to the Committee on Finance
2805	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2825	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2806	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2826	Committee on Finance
2807	Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance	2827	Committee on Finance
2808	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2828	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
2809	Committee on Hawaiian Affairs, then to the Committee on Agriculture	2829	Committee on Judiciary, then to the Committee on Finance
2810	Committee on Water, Land, & Ocean Resources, then to the Committee on Culture & the Arts, then to the Committee on Finance	2830	Committee on Judiciary
2811	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance	2831	Committee on Agriculture, then to the Committee on Finance
2812	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism, then to the Committee on Finance	2832	Committee on Agriculture, then to the Committee on Finance
2813	Committee on Higher Education, then to the Committee on Finance	2833	Committee on Agriculture, then to the Committee on Finance
2814	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance	2834	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
2815	Committee on Transportation, then to the Committee on Consumer Protection & Commerce	2835	Committee on Transportation, then to the Committee on Finance
2816	Committee on Education, then to the Committee on Finance	2836	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance
2817	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	2837	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2818	Committee on Finance	2838	Committee on Agriculture, then to the Committee on Finance
2819	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2839	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
2820	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	2840	Committee on Judiciary, then to the Committee on Finance
		2841	Committee on Judiciary, then to the Committee on Finance
		2842	Committee on Judiciary
		2843	Committee on Human Services, then to the Committee on Finance
		2844	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
		2845	Committee on Economic Revitalization & Business, then to the Committee on Judiciary
		2846	Committee on Culture & the Arts, then to the Committee on Finance
		2847	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2848	Committee on Public Safety & Military Affairs, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	2873	Jointly to the Committee on Economic Revitalization & Business and the Committee on Higher Education, then to the Committee on Finance
2849	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	2874	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2850	Committee on Health, then to the Committee on Finance	2875	Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance
2851	Committee on Finance	2876	Committee on Hawaiian Affairs, then to the Committee on Agriculture, then to the Committee on Finance
2852	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2877	Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance
2853	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	2878	Committee on Agriculture, then to the Committee on Finance
2854	Committee on Judiciary, then to the Committee on Finance	2879	Committee on Finance
2855	Committee on Finance	2880	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2856	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2881	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2857	Committee on Health, then to the Committee on Finance	2882	Committee on Judiciary
2858	Committee on Public Safety & Military Affairs, then to the Committee on Higher Education, then to the Committee on Finance	2883	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2859	Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance	2884	Committee on Health, then to the Committee on Finance
2860	Committee on Agriculture, then to the Committee on Judiciary	<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
2861	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	9	Committee on Transportation, then to the Committee on Finance
2862	Committee on Finance	10	Committee on Health, then to the Committee on Finance
2863	Committee on Economic Revitalization & Business, then to the Committee on Labor & Public Employment, then to the Committee on Finance	11	Committee on Public Safety & Military Affairs
2864	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	12	Committee on Culture & the Arts
2865	Committee on Health, then to the Committee on Finance	13	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2866	Committee on Finance	14	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2867	Committee on Finance	15	Committee on Public Safety & Military Affairs
2868	Committee on Judiciary, then to the Committee on Finance	16	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2869	Committee on Economic Revitalization & Business, then to the Committee on Finance	<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
2870	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	11	Committee on Transportation, then to the Committee on Finance
2871	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	12	Committee on Health
2872	Committee on Economic Revitalization & Business, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	13	Committee on Transportation, then to the Committee on Finance

14	Committee on Education, then jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	1962	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
15	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	2006	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
16	Committee on Health, then to the Committee on Finance	2090	Committee on Hawaiian Affairs, then to the Committee on Finance
17	Committee on Public Safety & Military Affairs	2611	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
18	Committee on Culture & the Arts	2702	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
19	Committee on Public Safety & Military Affairs, then to the Committee on Finance		
20	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance		
21	Committee on Public Safety & Military Affairs		
22	Committee on Public Safety & Military Affairs, then to the Committee on Finance		
23	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance		
24	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
25	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
26	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
27	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
28	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
29	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
30	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
31	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
32	Committee on Health, then to the Committee on Finance		

ADJOURNMENT

At 12:16 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, January 30, 2012. (Representative Chang was excused.)

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
1897	Committee on Consumer Protection & Commerce